

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION**

DON WOJTOWICZ,	§	
Institutional ID No. 02280307	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 5:19-CV-00166-C
	§	
LUBBOCK COUNTY DETENTION	§	
CENTER,	§	
	§	
Defendant.	§	

**ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. Plaintiff did not file any objections and the time to do so has passed. The District Court made an independent examination of the relevant portions of the record in this case and reviewed the Magistrate Judge's Report and Recommendation for plain error. Finding none, the Court **ACCEPTS** and **ADOPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate.

IT IS THEREFORE ORDERED that Plaintiff's complaint and all claims alleged therein are **DISMISSED** with prejudice for failure to state a claim.

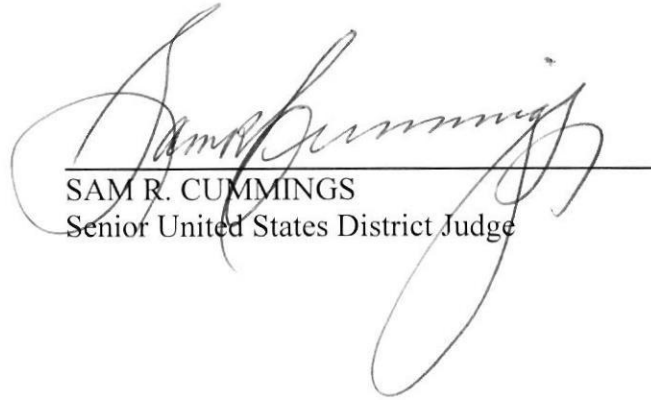
This dismissal shall count as a qualifying dismissal under 28 U.S.C. §§ 1915 and 1915A and *Adepegba v. Hammons*, 103 F.3d 383 (5th Cir. 1996). Plaintiff is advised that if he appeals this Order, he will be required to pay the appeal fee of \$505.00 pursuant to the PLRA, and he must submit an application to proceed *in forma pauperis* and a 6-month Certificate of Inmate Trust Account at the same time he files his notice of appeal.

All relief not expressly granted and any pending motions are denied.

Judgment shall be entered accordingly.

SO ORDERED.

Dated May 18, 2020.



SAM R. CUMMINGS
Senior United States District Judge